

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**STANDARD NUTRITION COMPANY, a
Nebraska corporation; and AC
BLUEBONNET, LP, a Texas limited
partnership;**

Plaintiffs,

vs.

WILLIAM L. SMITH, an individual;

Defendant.

8:22CV46

**AMENDED
CASE PROGRESSION ORDER**

This matter comes before the Court on the parties' Joint Motion to Extend Deadlines ([Filing No. 33](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Joint Motion to Extend Deadlines ([Filing No. 33](#)) is granted, and the case progression order is amended as follows:

- 1) The deadlines for identifying expert witnesses and completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For plaintiffs ¹ :	December 20, 2022
For the defendant:	January 23, 2023
For rebuttal:	February 6, 2023

- 2) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **March 6, 2023**.
- 3) The planning conference scheduled for February 6, 2023, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **March 6, 2023**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deadline for filing motions to dismiss and motions for summary judgment is **April 14, 2023**.

¹ The deadline for plaintiffs to identify experts has passed. This deadline only applies to disclosures for plaintiffs' previously identified experts.

- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **May 12, 2023**.
- 6) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 23rd day of November, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge